

REMARKS

Claims 1-50 are pending. By this Reply, Applicants have amended claims 1, 2-8, 10, 12-14, 22, 25, 36 and 46, and have cancelled claims 9 and 17. Applicants respectfully submit no new matter was entered by these amendments and that such amendments are fully supported by the application as originally filed. Accordingly, claims 1 – 8, 10-16, and 18-50 are at issue.

The Examiner has objected to claims 13 and 22 in view of certain informalities. By this Reply, Applicants have amended claim 13 to depend on claim 2, and amended claim 22 to change “the metric files” to “metric files,” in accordance with the Examiner’s suggestions.

The Examiner has rejected claims 1-6, 9-14, 17-21, 25-28, 31-33, 36-43, and 45-50 under 35 U.S.C. 102(b) as being anticipated by Goldberg. Applicants respectfully traverse this rejection.

Claim 1, as amended herein, is directed to a method that associates a plurality of images with a first unique identifier of a first person in the image, and with a second unique identifier of a second person in the images. Either person can retrieve any of the plurality of images using their respective unique identifier. In contrast to a method that associates only a single unique identifier with a plurality of images, the present method allows for directed advertising, obtaining further information and/or surveying each person that retrieves one or more of the images.

Goldberg fails to disclose associating a plurality of images with both a first unique identifier of a first person, and a second unique identifier of a second person.

Claims 2-8, 10-16 and 18-24 depend from claim 1, either directly or indirectly, and include each of its limitations. Accordingly, Applicants respectfully submit claims 2-8, 10-16 and 18-24 are also patentable over Goldberg.

Claim 25, as amended herein, requires marking the digital image as a “favorite.” Goldberg fails to disclose this step. Accordingly, Applicants respectfully submit claim 25 is patentable over Goldberg.

Claims 26-35 depend on claim 25, either directly or indirectly, and include each of its limitations. Accordingly, Applicants respectfully submit claims 26-35 are also patentable over Goldberg.

Claims 36 and 46, as amended herein, are directed to systems that are capable of associating an image to a first person and a second person. As set forth above, Goldberg does not disclose such systems. Accordingly, Applicants respectfully submit claims 36 and 46 are patentable over Goldberg.

Claims 37-45 depend on claim 36, either directly or indirectly, and include each of its limitations, and claims 47-50 depend on claim 46, either directly or indirectly, and include each of its limitations. Accordingly, Applicants respectfully submit claims 37-45 and 47-50 are also patentable over Goldberg.

The Examiner has rejected claims 7 and 8 under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Kunishige. Applicants respectfully traverse this rejection.

As set forth above, Applicants respectfully submit claim 1 is patentable over Goldberg. Kunishige is cited for a validation step and does not overcome the deficiencies of Goldberg with regard to claim 1. Accordingly, Applicants respectfully submit claim 1 is also patentable over Goldberg in view of Kunishige.

Claims 7 and 8 depend on claim 1 and include each of its limitations. Accordingly, Applicants respectfully submit claims 7 and 8 are also patentable over Goldberg in view of Kunishige.

The Examiner has rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Kaku. Applicants respectfully traverse this rejection.

As set forth above, Applicants respectfully submit claim 1 is patentable over Goldberg. Kaku is cited for a prompting a person as to whether he or she wants images distributed, and does not overcome the deficiencies of Goldberg with regard to claim 1. Accordingly, Applicants respectfully submit claim 1 is also patentable over Goldberg in view of Kaku.

Claim 15 indirectly depends on claim 1 and include each of its limitations. Accordingly, Applicants respectfully submit claims 15 is also patentable over Goldberg in view of Kaku.

The Examiner has rejected claims 16, 22, 29 and 30 under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Abrahamson et al. Applicants respectfully traverse this rejection.

As set forth above, Applicants respectfully submit claims 1 and 25 are patentable over Goldberg. Abrahamson et al. is cited for disclosing using a computer to provide a histogram of correctly answered questions, and does not overcome the deficiencies of Goldberg with regard to claims 1 and 25. Accordingly, Applicants respectfully submit claims 1 and 25 are also patentable over Goldberg in view of Abrahamson et al.

Claims 16 and 22 indirectly depend on claim 1 and include each of its limitations, and claims 29 and 30 depend on claim 25, directly or indirectly, and include each of its limitations. Accordingly, Applicants respectfully submit claims 16, 22, 29 and 30 are also patentable over Goldberg in view of Abrahamson et al.

The Examiner has rejected claims 23, 24, 34 and 35 under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Eshots.com. Applicants respectfully traverse this rejection.

As set forth above, Applicants respectfully submit claims 1 and 25 are patentable over Goldberg. Eshots.com is cited for disclosing asking for information when registering to a website, and does not overcome the deficiencies of Goldberg with regard to claims 1 and 25. Accordingly, Applicants respectfully submit claims 1 and 25 are also patentable over Goldberg in view of Eshots.com.

Claims 23 and 24 indirectly depend on claim 1 and include each of its limitations, and claims 34 and 35 depend on claim 25, directly or indirectly, and include each of its limitations. Accordingly, Applicants respectfully submit claims 23, 24, 34 and 35 are also patentable over Goldberg in view of Eshots.com.

In light of the above Amendments and Remarks, Applicants respectfully request reconsideration and allowance of claims 1 – 8, 10-16, and 18-50. If it would expedite the progress of this Application through the examination process, the Examiner is authorized to call the undersigned attorney.

Application No. 50160-7002
Attorney Docket No. 10/657,974
Filed: September 8, 2003
Reply to Office Action of December 21, 2007
Page 13

The Examiner and Commissioner are hereby authorized to charge any fees or additional fees associated with this Response to our deposit account, Deposit Account No. 50-2803.

Respectfully submitted,

Dated: 6/20/08

By: Richard C. Himelhoch
Richard C. Himelhoch, Reg. No. 35,544
Schwartz Cooper Chartered
180 North LaSalle Street, Suite 2700
Chicago, Illinois 60601
312.346.1300

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on June 20, 2008.

Kathleen Rundquist
Kathleen Rundquist